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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,566	02/21/2001	Tsuneyuki Kikuchi	Q63195	5930

7590 12/01/2004

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EXAMINER	
CHANKONG, DOHM	
ART UNIT	**PAPER NUMBER**
2152	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/788,566	KIKUCHI, TSUNEYUKI	
	Examiner	Art Unit	
	Dohm Chankong	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☒ Claim(s) *1, 3, 12, 14* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/01 , 10/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1> Claims 1-22 are presented for examination.

Specification

2> The specification is objected to because it is replete with typo errors and terms which are not clear, concise and exact. Examples of some unclear, inexact or vague terms used in the specification are:

a. page 1 – "Some of services...";

b. page 2 – "...to provide a system of monitoring a packet which system is capable of preventing that a user has to pay to control information...";

c. page 2 – "...to provide a method of monitoring a packet which method is capable of doing the same.";

d. page 6 – "...a certification server 5 which certificates a user...".

The entire specification should be reviewed and revised carefully. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3> The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4> Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

e. Claims 1 and 12 are rejected because the use of the term "certificates" renders the claim vague and unclear. Furthermore, in the absense of a clear definition of this term, Examiner is forced to broadly interpret the term in the context of the claim. Therefore, for the purposes of this Action, the term "certificates" will be interpreted as the term "certifies";

f. Claim 3 and 14 are rejected because the use of the term "coincident" as well as the wording: "...which monitors a seond time at which packets coincident with said monitoring parameter arrive, based on said first time...", renders the claim vague and unclear;

g. Claim 5 and 16 are rejected because "a fourth device which said third and fourth memories" is unclear and renders the rest of the claim vauge and indefinite.

Claim Rejections - 35 USC § 103

5> The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6> Claims 1, 2, 4, 5, 12, 13, 15 and 16 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ikudome et al, U.S Patent No. 6.779.118 ["Ikudome"] in view of an Official Notice.

7> As to claim 1, Ikudome discloses a system for monitoring packets transmitted on a channel connecting an application server and a user of said application server to each other, comprising:

a first device which, on receipt of a request from said certification server, monitors packets transmitted on said channel [abstract | Figure 2 «item 208» | column 5 «lines 57-67» where: Ikudome's redirection server is analogous to the first device].

Ikudome does not specifically disclose a certification server that certificates a user.

8> However, Ikudome does disclose an authentication server that authenticates a user before he is allowed to use the packet monitoring system [abstract | Figure 2 «item 204» | column 6 «lines 50-59»]. Official Notice is taken that one of ordinary skill in the art would have reasonably inferred that Ikudome's authentication server is analogous the claimed certifcation server as they have similar functionality (an intermediary which provides access a user or terminal access to an application server).

9> As to claim 2, Ikudome discloses the system as set forth in claim 1, wherein said certification server includes:

a first memory which stores a user management table including ID numbers of users, passwords by which users are identified, a monitoring parameter designating a packet to be monitored, and a threshold parameter designating a method of monitoring said packet [Figure 2 «item 206» | column 2 «lines 61-65» | column 4 «lines 53-66» | column 5 «lines 54-56» | column 7 «lines 26-45» where: Ikudome's rule set marks packets to be monitored as well as a method of monitoring the packet] and

a second device which transmits a request to said first device to start or finish monitoring said packet at a timing when said user logs-in or logs-out his/her terminal [column 3 «lines 21-32» | column 4 «lines 14-18» | column 4 «line 67» to column 5 «line 5»].

10› As to claim 4, Ikudome discloses the system as set forth in claim 2, wherein said certification server includes a third device which updates said monitoring parameter and said threshold parameter, when instructed by said user [column 2 «lines 21-24» | column 4 «lines 40-49» | claim 25].

11› As to claim 5, Ikudome discloses the system as set forth in claim 2, wherein said first device include:

a third memory which stores said monitoring parameter transmitted from said second device [column 4 «lines 53-66» | column 6 «lines 1-3»];

a fourth memory which stores said threshold parameter transmittted from said second device [column 4 «lines 53-66» | column 6 «lines 1-3» where: Ikudome's rules tell the redirection server how to monitor the packet]; and

a fourth device which said third and fourth memories when said second device transmits a request to said first device to start or finish monitoring said packet [column 6 «lines 1-3 and 50-59»].

12› As to claims 12, 13, 15 and 16, as they are merely claims to a recording medium and system that implement the steps of claims 1, 2, 4 and 5 respectively, they do not teach or further define over the claimed limitations. Therefore, claims 12, 13, 15 and 16 are rejected for the same reasons set forth in claims 1, 2, 4 and 5, supra.

13› Claims 3, 6-11, 14 and 17-22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Ikudome, in view of McCreery et al, U.S Patent No. 5.787.253 ["McCreery"].

14› As to claim 3, Ikudome discloses the system as set forth in claim 2, wherein said first device includes:

a second memory which stores a first time at which a packet transmitted from one of said application server and said user arrives, when said first device receives a request from said second device to monitor said packet [column 4 «line 50» to column 5 «line 5» | column 6 «lines 50-61» | column 7 «lines 26-45»];

an analyzer which monitors a second time at which packets coincident with said monitoring parameter arrive, based on said first time, when said first device receives a request from said second device to monitor said packet, and determines whether is any rule

in an interval in said second time [column 4 «line 50» to column 5 «line 5» | column 5 «lines 62-67» | column 6 «lines 50-61» | column 7 «lines 26-45»].

Ikudome does not specifically disclose an anunciator.

15› McCreery discloses an annunciator which makes annunciation to said user when there is a certain rule in said interval [column 5 «lines 37-57» where: McCreery's alarm generation section is comparable in functionality to the claimed annunciator as they both alert the user when there is a certain rule]. It would have been obvious to one of ordinary skill in the art to implement McCreery's rule-based annunciator functionality into Ikudome's packet monitoring system to alert users immediately when there are problems with the network [column 5 «lines 44-48»].

16› As to claim 6, Ikudome discloses the system as set forth in claim 3, wherein said first device include:

a third memory which stores said monitoring parameter transmitted from said second device [column 4 «lines 53-66» | column 6 «lines 1-3»];

a fourth memory which stores said threshold parameter transmitted from said second device [column 4 «lines 53-66» | column 6 «lines 1-3» where: Ikudome's rules tell the redirection server how to monitor the packet]; and

a fourth device which said third and fourth memories when said second device transmits a request to said first device to start or finish monitoring said packet [column 6 «lines 1-3 and 50-59»].

17› As to claim 7, Ikudome discloses the system as set forth in claim 6, wherein said analyzer analyzes whether there is any rule in said interval and whether said interval exceeds said threshold parameter [column 6 «lines 1-3 and 37-59» | column 7 «lines 48-57»], but does not specifically disclose said annuciator makes annunciation to said user when said analyzer judges that there is a certain rule in said interval and that said interval exceeds said threshold parameter.

18› McCreery discloses a system wherein said annunciator makes annunciation to said user when said analyzer judges that there is a certain rule in said interval and that said interval exceeds said threshold parameter [Figure 2 «items 220 and 270» | column 5 «lines 44-57» | column 6 «line 65» to column 7 «line 2»]. It would have been obvious to one of ordinary skill in the art to include McCreery's annunciator functionality into Ikudome's packet monitoring system to provide alert functionality to the user when the packet analyzer detects a threshold condition.

19› As to claim 8, Ikudome discloses a method of monitoring packets transmitted on a channel connecting an application and a user of said application server to each other, comprising the steps of:

(a) acquiring a monitoring parameter indicative of a packet to be monitored, when said user logs-in his/her terminal [column 4 «lines 59-66» | column 5 «lines 47-67»];

(b) monitoring a time at which packets coincident with said monitoring parameter arrive, and determining whether there is any rule in an interval in said arrival time [column 6 «lines 1-3»]; and

Ikudome does not specifically disclose making annunciation to said user when there is a certain rule in said interval.

20› McCreery discloses an annunciator which makes annunciation to said user when there is a certain rule in said interval [column 5 «lines 37-57» where: McCreery's alarm generation section is comparable in functionality to the claimed annunciator as they both alert the user when there is a certain rule]. It would have been obvious to one of ordinary skill in the art to implement McCreery's rule-based annunciator functionality into Ikudome's packet monitoring system to alert users immediately when there are problems with the network [column 5 «lines 44-48»].

21› As to claim 9, Ikudome discloses the method as set forth in claim 8, further comprising the step of ceasing said step (b) when said user logs-out his/her terminal [column 7 «lines 46-47»].

22› As to claim 10, Ikudome discloses the method as set forth in claim 8, wherein said monitoring parameter is included in a user management table which further includes an ID number of said user, a password by which said user is identified, and a threshold parameter

designating a method of monitoring said packet [column 5 «lines 50-56 and 62-67» | column 7 «lines 26-57»], and

said step (a) includes the steps of:

(a1) retrieving said user management table, based on said ID number and said password both input by said user [column 5 «lines 54-56»];

(a2) acquiring said monitoring parameter, if said monitoring parameter is stored in said user management table [column 4 «lines 33-49» | column 5 «lines 62-67»]; and

(a3) acquiring said threshold parameter, if said threshold parameter is stored in said user management table [column 4 «lines 33-49» | column 5 «lines 62-67»].

23› As to claim 11, Ikudome does disclose the method as set forth in claim 10, wherein said step (b) includes the step of analyzing whether there is a certain rule in said interval and whether said interval exceeds said threshold parameter, after acquiring said threshold parameter in said step (a2) [column 7 «lines 46-57»] but does not explicitly disclose said step (c) includes the step of making annunciation to said user, if there is a certain rule in said interval and said interval exceeds said threshold parameter.

24› McCreery discloses a method wherein said step (c) includes the step of making annunciation to said user, if there is a certain rule in said interval and said interval exceeds said threshold parameter [column 5 «lines 44-57» | column 8 «lines 1-9»]. It would have been obvious to one of ordinary skill in the art to implement McCreery's annunciator into

Ikudome's packet monitoring system to notify users of network problems and increasing reliability of the network system.

25> As to claims 14 and 17-22, as they are merely claims to a recording medium and system that implements the steps of the method of claims 3 and 6-11 respectively, they do not teach or further define over the claimed limitations. Therefore, claims 14 and 17-22 are rejected for the same reasons set forth for claims 3 and 6-11, supra.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is (571)272-3946. The examiner can normally be reached on 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). DC

ZARNI MAUNG
PRIMARY EXAMINER